

Message Text

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FM SECSTATE WASHDC

TO AMCONSUL CAPE TOWN PRIORITY

INFO AMCONSUL DURBAN

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E.O. 11652: N/A

TAGS: TBIO, SENV, EFIS, SF

SUBJECT: NAMIBIAN SEAL SKINS

REF: STATE 73771

1. MOST RECENT DEVELOPMENT IN CASE IS APPLICATION BY
FOUKE COMPANY TO NATIONAL MARINE FISHERIES SERVICE FOR
EXTENSION OF THE WAIVER THAT NMFS GRANTED FOR IMPORTS OF
SEAL SKINS FROM SOUTH AFRICA TO IMPORTS OF SKINS (TOTALLING
10,000 IN 1975 HARVEST) FROM THREE (LONG ISLAND,
ALBATROSS ROCK, SINCLAIR ISLAND) OF THE SHARK ISLANDS,
A GROUP LYING OFF THE SOUTHWEST AFRICAN COAST ROUGHLY
BETWEEN LUTERITZ AND ALEXANDRIA BAYS. FOUKE CLAIMS THESE
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ISLANDS ARE SOUTH AFRICAN RATHER THAN NAMIBIAN TERRITORY,

AND STATES IT HAS REQUESTED ,CERTIFICATION FROM THE
REPUBLIC OF SOUTH AFRICA ON THIS MATTER".

2. OUR OWN PRELIMINARY RESEARCH INDICATES FOUKE'S CON-
TENTION IS INCORRECT. IT IS TRUE THAT BRITAIN CLAIMED
THESE ISLANDS FOR THE CAPE COLONY BY HM LETTER PATENT OF
27 FEBRUARY 1867, SUBJECT TO THE APPROVAL OF THE CAPE
COLONY PARLIAMENT, AND THAT THE CAPE COLONY PARLIAMENT IN
1874 APPROVED THEIR ANNEXATION. HOWEVER, GREAT BRITAIN
AND GERMANY ENTERED INTO A PROTOCOL OF 15 JULY 1886 CLAUSE
4 OF WHICH GAVE SOVEREIGNTY OVER THE SHARK ISLANDS TO

GERMANY. (THIS PROTOCOL IS PRINTED IN BRITISH AND
FOREIGN STATE PAPERS, VOL. 77, P. 1042.) WE HAVE FOUND
NO SUGGESTION SOVEREIGNTY WAS EVER RETRANSFERRED TO CAPE
COLONY OR THE UNION OF SOUTH AFRICA PRIOR TO WORLD WAR I,
AND THUS PRESUME THESE ISLANDS WERE INCLUDED IN THE 1920
MANDATE OVER THE FORMER GERMAN PROTECTORATE OF SOUTH-
WEST AFRICA.

3. APPARENTLY, THOUGH, SOUTH AFRICA CLAIMS THE SHARK
ISLANDS ARE SOUTH AFRICAN RATHER THAN NAMIBIAN TERRITORY;
SO THEY ARE SHOWN ON A SIMONSTOWN AGREEMENT MAP OF 22
APRIL 1965, AND SO FOUKE ASSERTS THE SOUTH AFRICANS ARE
WILLING TO CERTIFY.

4. WOULD APPRECIATE EMBASSY'S INQUIRING ASAP WHETHER SAG
CONSIDERS THE SHARK ISLANDS PART OF SOUTH AFRICAN TERRI-
TORY, AND IF SO, WHAT IS THE BASIS OF ITS CLAIM IN LIGHT
OF THE PROTOCOL OF 15 JULY 1886. KISSINGER

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